IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

FRIDAY, THE 21ST JULY 2006 / 30TH ASHADHA,1928

Bail Appl..No. 4353 of 2006

CC.138/2005 of C.J.M.,TRIVANDRUM

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PETITIONER/4TH ACCUSED:

M.T. ABDUL JABBAR, S/O.K.MAMMOO HAJI,
AGED 43 YEARS, SHARAF MANZIL, KOTTATANDAR,
PADANNA P.O., KASARAGOD.

BY ADV. SRI.M.SREEKUMAR

RESPONDENTS: STATE & COMPLAINANT:

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1. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. THE DETECTIVE INSPECTOR,
CB CID SIG I, THIRUVANANTHAPURAM.

BY PUBLIC PROSECUTOR K. RAVIKUMAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 21/07/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A.4353/2006

DATED THIS THE 21ST DAY OF JULY, 2006

O R D E R

The petitioner is the fourth accused, in C.C.No.138/2005 on the file of the Chief Judicial Magistrate Court, Thiruvananthapuram. The prosecution alleges that the petitioner received money from the accused 1 to 3, who had gone to Abudabi, on the visa issued by one Surendran as well as the petitioner. On their arrival in Abudabi, the emigration authorities found that the visa, affixed in the passport, was a forged one. Therefore, they were not allowed to enter. Hence returned to their country of origin. On arrival to India, they had made a complaint. The investigation reveal that one Surendran was the person, who made arrangements for the endorsements of visa, in the passport of the accused 1 to 3. However, later on, it had turned out to be the fourth accused, the petitioner herein, who received money from the accused 1 to 3, for giving visa and he was also instrumental in affixing the forged visa in the

passport of the accused 1 to 3. Accordingly, the said Surendran was deleted from the party array and the petitioner remains as fourth accused in the crime. Hence he is before this Court, under Section 438 Cr.P.C.

2. The prosecution submits that the investigation is complete and the accused had been shown as absconding. A memo of charge had been filed before the Court below. In the facts situation of the case, I direct the petitioner to surrender before the Chief Judicial Magistrate Court, Thiruvananthapuram, on 28.7.2006 at 11.00 a.m., and move an application for bail. If the prosecution had no other arguments to advance, for the custody or otherwise of the petitioner, the learned Magistrate shall release the petitioner on bail, on the petitioner moving an application for the same, after hearing the Deputy Director of the Prosecution of the Court, or the prosecution as the case may be.

The application is disposed of as above.

J.M.JAMES
JUDGE

mrcs